

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CLAUDETTE deLEON,)
Plaintiff,)

vs.) (CIV.-DKT. 05-126-Erie

CRAWFORD CENTRAL SCHOOL)
DISTRICT, CRAWFORD CENTRAL)
SCHOOL BOARD,)
MICHAEL E. DOLECKI,)
SUPERINTENDENT)
(Suable and Liabie in)
Personal Capacity))
CHARLES E. HELLER, III,)
ASSISTANT SUPERINTENDENT,)
(Suable and Liabie in)
Personal Capacity))
Defendants)

Deposition of GEORGE DESNER, taken on

Tuesday, March 7, 2006, at Crawford Central School
District, Meadville, Pennsylvania commencing at 1:35
p.m., before Linda K. Rogers, Shorthand Reporter and
Commissioner of Deeds in the Commonwealth of
Pennsylvania.

* * *

EXHIBIT
3

A P P E A R A N C E S

For the Plaintiff:

Caleb L. Nichols, Esquire
P.O. Box 1585
Erie, Pennsylvania 16507

For the Defendant:

Roberta Binder Heath, Esquire
Andrews & Beard
3366 Lynwood Drive
Altoona, Pennsylvania 16603-1311

* * *

1 G E O R G E D E S H N E R, first having
2 been duly sworn, testified as follows:
3

4 DIRECT EXAMINATION

5 BY MR. NICHOLS:

6
7 Q. Mr. Deshner, I'm Caleb Nichols, representing
8 Miss deLeon.

9 A. Uh-huh.

10 Q. And thank you for coming to be deposed today. I
11 have a few questions I would like to ask you, but prior to
12 that I would just like to state for the record preliminary
13 instructions. You have been deposed in a deposition before,
14 haven't you?

15 A. Yes, I have.

16 Q. And for this purpose I would ask that you
17 verbalize all of your responses as possible so that the
18 court reporter can understand you. And also I ask that if
19 you have any questions, that you -- concerning questions I
20 ask of you, feel free to stop me. Feel free to ask me to
21 rephrase the question if you don't understand.

22 A. Okay.

23 Q. I would start off asking if you would state for
24 the record your professional background include -- start
25 with your academic background, college. Bring us current,

1 up to including your present status.

2 A. Okay. After high school I attended Edinboro
3 University. Was an education major. Started out as a
4 history major but halfway through switched to science. I
5 wanted to teach biology. Graduated in the spring of 1969
6 with a bachelor's in education for science.

7 That summer I was hired in Meadville to teach
8 physical science at the junior high school. I taught
9 physical science for four years there. Then I transferred
10 to the high school to teach biology. While I was doing
11 that, I was also attending classes back at Edinboro working
12 on my master's degree. I received an MED in education from
13 Edinboro.

14 After I had been at the high school three years, I
15 was asked to assume the responsibility of attendance officer
16 for the school district. I did that for, I think it was
17 four years. And while I was doing that, I attended
18 Westminster College down in New Wilmington, Pennsylvania.
19 And worked on a second masters in school administration.

20 Upon completion of that, I was hired -- well, not
21 really hired but transferred from my position of attendance
22 officer to assistant principal at the Meadville Junior High
23 School. That would have been I believe in about 1980. I
24 was there for two years, then I transferred to the high
25 school as an assistant principal for two years. That would

1 have been through '84.

2 And then in the fall of '84, the principal had
3 left to accept another position in another school district.

4 I was appointed the interim principal or acting principal
5 until they had gone through the process of getting
6 applications and interviewing. And after that process, I
7 was named the principal of the high school in the fall of
8 1984.

9 Q. Meadville?

10 A. Meadville, yes. Until -- and I maintained that
11 position until I retired in June of 2003.

12 Q. Okay.

13 A. It was 19 years I held the position of principal
14 at the high school.

15 Q. Now, in my review of the records, there are
16 certain names, staff people of yours that I am going to ask
17 you about in terms of, one, their areas of responsibility.

18 A. Okay.

19 Q. Dr. Berkebile.

20 A. Dr. Berkebile was an assistant principal.

21 Q. Is he currently employed?

22 A. No, Dr. Berkebile retired. Boy, and I'm sketchy
23 on the years at this point. But Dr. Berkebile retired. And
24 after retirement he became the head of a private school just
25 to the north of us. And he held that for a couple of years

1 and then I believe he has since left the area.

2 Q. As best you can, what years was he employed with
3 the Meadville High School, senior high school.

4 A. Dr. Berkebile started at the junior high then he
5 transferred to Cochrannton, was an assistant principal down
6 there. And then came to the high school probably late '90s
7 maybe through 2000. Somewhere around in that vicinity. I'm
8 really sketchy on the exact years.

9 Q. Miss Templeton?

10 A. Mrs. Templeton was an assistant principal at the
11 high school during the time that I was principal. And she
12 was there approximately the same years that Dr. Berkebile
13 was. She and Dr. Berkebile were the assistants together.

14 Q. Mr. Higgins?

15 A. Mr. Higgins came on board I'm going to say
16 somewhere around 2001, 2000 -- I think around 2001 maybe.
17 He had been an art teacher in the middle school. And we had
18 an assistant principal who came to Meadville, just stayed a
19 short time and then accepted a job up in the New England
20 states and left. And then Mr. Higgins had received his
21 administration degree. He applied for the job along with
22 some other people and was the successful candidate. So he
23 was there approximately two years, two to three years, in
24 that vicinity during my -- end of my term as principal.

25 Q. These people, these staff people; Berkebile,

1 Higgins, Miss Templeton, all report to you on a daily basis,
2 right?

3 A. Yes.

4 Q. Okay. Now, in terms of the hierarchy of your
5 position as principal, you report directly to Mr. Dolecki,
6 the superintendent.

7 A. The superintendent, yes.

8 Q. And Mr. -- his assistant, Mr. Heller?

9 A. Mr. Heller.

10 Q. Right?

11 A. Yes.

12 Q. And that's for all purposes, right?

13 A. Correct.

14 Q. And that would include operational matters? That
15 would include hiring? That would include firing of teaching
16 staff; is that correct?

17 A. That's correct.

18 Q. And in 1989 you hired Miss deleon, didn't you?

19 MS. HEATH: Objection to form.

20 Q. Did you hire Miss deleon in 1989?

21 MS. HEATH: You mean him personally?

22 A. I don't believe I did.

23 MS. HEATH: Do you mean did he interview her or
24 what are you asking him?

25 Q. Well, did you -- let's put it that way. Did you

1 interview Miss deleon in 1989 for a teaching position?

2 A. I honestly don't remember that.

3 Q. Don't remember that.

4 A. I don't believe I did. That's --

5 Q. Would you have had any involvement in the hiring
6 of teaching staff at your school during that period, 1989?

7 A. Yes, I would have.

8 Q. If memory serves me correctly Miss deleon was
9 employed as a teacher at your school during that period.

10 A. She did --

11 Q. Started in 1989; is that correct?

12 A. Again, that's --

13 MS. HEATH: I'm going to object for the record.
14 It speaks for itself and I believe she was at
15 Cochrannton first.

16 A. Mrs. deleon did substitute work for the district
17 prior to her being --

18 Q. At your school.

19 A. And she did some substitute work at Meadville High
20 School, yes.

21 Q. Okay, you do remember that?

22 A. I do remember that.

23 Q. What time frame are you talking about?

24 A. It would have been prior to her being hired at
25 Cochrannton. And I believe that was possibly the early '90s

1 that she was hired in Cochrannton.

2 Q. I saw one evaluation as early as 1991 which you
3 signed off as having evaluated Miss deLeon. And my question
4 is, sir, does that jog your memory in terms of the time
5 frame we are talking about?

6 A. She transferred back to Meadville High School some
7 time in the early '90s after being hired at Cochrannton High
8 School.

9 Q. Okay. Now, and as I read the record, you or your
10 staff, and that would include the people I referred to;
11 Miss Templeton, Dr. Berkebile and Mr. Higgins. They --
12 based upon my review of the record, they were involved in
13 evaluation of the teaching staff at school; is that correct?

14 A. Yes, all three administrators in the building
15 evaluated the staff members.

16 Q. Including yourself.

17 A. Yes, I was part of that.

18 Q. And as principal, did you have any input in the --
19 whether or not teachers were granted a tenure?

20 MS. HEATH: Objection to form.

21 A. I guess I'm not --

22 Q. I'm saying as a principal, was it your position
23 that you held as principal, did you have any input in
24 teachers or the staff who were candidates for tenureship?

25 A. Yes, we provided through our observations and that

1 and we provided -- a teacher had to teach so many years to
2 get tenure and we provided support materials to the central
3 office on teachers getting tenure.

4 Q. You provided -- I'm sorry, the last statement.

5 A. Support information.

6 Q. Support information.

7 A. Like our observations and things of that nature.

8 Q. Would that include a recommendation? Would that
9 be correct to call it a recommendation?

10 A. I believe that would be correct.

11 Q. And would that be inclusive -- would that be your
12 exclusive opinion or recommendation or would it be inclusive
13 of your staff's opinion as well?

14 A. It would involve the assistant principals as well.
15 I mean, those came out of the administrative staff from the
16 building.

17 Q. Miss deLeon came up for tenureship in 1993, as I
18 recall, the school year 1993. Do you recall her candidacy
19 for tenure in 1993?

20 A. I really don't recall that.

21 Q. But based upon what you've just testified to
22 during your involvement in that particular processes along
23 with involvement of your staff, you would have had input?

24 A. I would have had input if she came up for that.

25 Q. The record shows that, I believe 1993-'94 I think

1 maybe I think that year, that Miss deleon was given a
2 negative evaluation for her performance as a teacher in the
3 school year.

4 A. I believe that's correct.

5 Q. And that particular matter subsequently went
6 before an arbitration and the arbitrator rendered an award,
7 Arbitrator Stoltenberg rendered an award. My question is:
8 Do you remember having reviewed that award that was rendered
9 in her case?

10 A. Yes.

11 Q. Did you participate at the arbitration hearing?

12 A. Yes, I did.

13 Q. And as best as you can, may I ask can you testify
14 what position you took or what did you testify to in terms
15 of the claim that was put forward by Miss deleon at that
16 time?

17 A. As I remember, there was a lot testified to but I
18 took the position that she should have had an unsatisfactory
19 rating that year.

20 Q. And moving forward, I believe in 19 -- the school
21 year, another school year, moving forward. It may have been
22 1995-'96, she also received another negative evaluation.

23 A. Correct.

24 Q. And you were also -- you also participated in that
25 one --

1 A. Yes.

2 Q. -- as well. And there was an award rendered by
3 Arbitrator Talarico, I believe. And I believe that -- now,
4 let's step back. Let's step back if I may. To the award
5 rendered by Mr. Stoltenberg. Mr. Stoltenberg ordered that
6 certain records or record relating to the negative
7 evaluation be removed from Miss deLeon's file.

8 MS. HEATH: Talking 1993-1994, correct?

9 MR. NICHOLS: Right, I'm stepping back a moment to
10 that Arbitrator Stoltenberg.

11 Q. Okay.

12 A. Uh-huh.

13 Q. Now, having been aware of the arbitration award as
14 you just acknowledged, as to compliance with this directive
15 of Arbitrator Stoltenberg, did you -- that would have been
16 your responsibility to ensure that what he ordered in terms
17 of records removed from that that file was carried out?

18 MS. HEATH: I'm going to object --

19 Q. Was that your function? Were you involved in that
20 function?

21 A. That would --

22 MS. HEATH: Let me just say this first. The
23 record speaks for itself relative to that order.
24 I just want to make that clear.

25 Q. Right, but I am asking now, who carried out --

1 MR. NICHOLS: I understand. I understand,
2 Counselor. I'm asking now who makes execution of
3 the record. I am asking Mr. Dasher was he
4 involved in the execution of the order.

5 A. The personnel records were kept at central office.
6 So that would have occurred here in this building for the
7 purging of the files, if that's what you're asking me.

8 Q. Right.

9 A. And I would have not had a part of that.

10 Q. Okay. Moving forward again. Moving forward back
11 to Arbitrator Talarico's award that he rendered. You
12 testified that you recall that proceeding, arbitration
13 proceeding?

14 A. Uh-huh.

15 Q. And you did participate in that?

16 A. Yes.

17 Q. Okay. And, again, I'm not sure what -- I have
18 read the arbitration hearing transcript. I am not sure what
19 position you took. But state for record what position you
20 took.

21 A. I took the position that Mrs. deLeon should have
22 had an unsatisfactory rating for that school year.

23 Q. Okay. Now, coming forward to 1997, and, in fact,
24 I should note for the record that Arbitrator Talarico
25 invalidated the negative evaluation that Miss deLeon had

1 received for the school year. Coming forward to 1997 --

2 MS. HEATH: And, again, for the record that,
3 again, it will speak for itself and the basis for
4 that decision will also speak for itself.

5 Q. All right. Okay. Coming forward to 1997,

6 Mr. Deshner, I note in the record that Miss deLeon received
7 at one point, October, several reprimands within a span of
8 seemed like at matter of at least two or three weeks.

9 MS. HEATH: October, what year?

10 MR. NICHOLS: October 1997.

11 Q. Several reprimands. I'm not sure whether you
12 signed off on them or not but could you just enlighten us on
13 the reason for the reprimands --

14 MS. HEATH: Objection. Lack of foundation.

15 Q. -- that she received in October 1997?

16 A. I would have to see those reprimands to be able to
17 answer that question.

18 Q. I think we have them. I stand to be corrected on
19 that. We do have sanctions but they do not reach back
20 beyond 1997. Okay. And I don't have them in the record yet
21 for the reprimands that I do note I have, there is
22 documentation in the record but I haven't made them --
23 offered them yet. Okay.

24 MS. HEATH: If this is helpful to you, and I don't
25 know if it is, because I don't know if this is

1 what you're talking about. But I have some
2 information, a couple notations prior to the DUI
3 incident.

4 MR. NICHOLS: Yes.

5 MS. HEATH: Relative to the bell schedule, is that
6 what you're talking about, two memos?

7 MR. NICHOLS: Yes, I think so. They're
8 reprimands, right?

9 MS. HEATH: Well, I don't know. Do you want to
10 take a look at them?

11 MR. NICHOLS: Yeah.

12 MS. HEATH: And I just note for the record, they
13 are not from Mr. Deshner. One is from
14 Dr. Berkebile. One is from Miss Templeton. I
15 don't know if you have something else in mind.

16 MR. NICHOLS: I do know there are more. I don't
17 have them. You have them. Okay.

18 MS. HEATH: Do you want to mark these or not?

19 MR. NICHOLS: Yes, I'm going to ask the court
20 reporter to mark these. Will you mark these,
21 please, whichever number is --

22 (Discussion held off the record.)

23 MR. NICHOLS: Okay. I will ask the court reporter
24 to mark these each Plaintiff's Exhibit 12 through
25 19.

(DESHNER PLAINTIFF'S EX. 12 THROUGH 19 -
SANCTIONS, marked for identification.)

Q. Mr. Deshner, I now show you what the court reporter has marked as Plaintiff's Exhibits 12, 13, 14, 15, 16, 17, 18 and 19. These are various sanctions or punishments in the form of reprimands that were issued. Now, the first one, of course, is from Dr. Berkebile. Next is Miss Templeton. The next, Miss Templeton, Miss Templeton.

MS. HEATH: Are all of these from October of '97?

MR. NICHOLS: As far as I can see October '97. I think so. This will show. And I'm not sure whose name -- whose name is shown there on this one?

MS. HEATH: What exhibit number?

MR. NICHOLS: It's Exhibit 18. I'm not sure I see where it came.

Q. I don't know whether you can recognize that or not, Mr. Deshner, 18?

A. I believe that's says deLeon/McCracken. This is a requisition for supplies.

Q. Okay. And so it's a requisition that most likely would have fallen in whose bailiwick in terms of staff person would have written that, Miss Templeton perhaps?

A. Any one of the three of us could have approved these. Oftentimes most of the teachers' requests for

1 requisitions came to my office because I had direct
2 responsibilities for the budget.

3 Q. Any one of your three staff people could have
4 written that, right?

5 A. Yes.

6 Q. Okay. All right. And, of course, there is 19 by
7 Dr. Berkebile. My question is this, if you take a moment to
8 look at these. My question is: In terms of --

9 MS. HEATH: Can you just let him look first and
10 then you can ask questions.

11 MR. NICHOLS: Yeah, sure.

12 (Brief pause.)

13 A. I've had a chance to review those.

14 Q. Okay. Having reviewed those, Mr. Deshner, do you
15 recognize those documents?

16 A. Yes. These were issued from Dr. Berkebile,
17 Mrs. Templeton and there is one in there concerning ordering
18 of supplies that was from me.

19 Q. Right. And the ones which were written by your
20 staff there to Miss deLeon would have come to your attention
21 in the normal course of business, right?

22 A. Yes.

23 Q. Okay. Now, in terms of these types of sanctions
24 or reprimands of documented suspensions, would you then have
25 passed those on to the office of the superintendent?

1 A. They would have been -- some would have been.
2 Depending upon the severity, it might have just been an
3 in-house type of thing.

4 Q. But as a standard operating procedure sanctions,
5 punishment which is meted out to teaching staff routinely,
6 would that routinely been brought to the attention of the
7 superintendent's office, superintendent or assistant
8 superintendent?

9 MS. HEATH: Objection. Asked and answered. He
10 said it depends on the severity of it.

11 Q. Well, could you specify, Mr. Deshner, be a little
12 more specific when you say depending on the severity. Where
13 would we draw the distinction between what would be severe
14 enough to have been brought to the attention of the
15 superintendent and that which would not have been severe
16 enough to have been brought to the attention of the
17 superintendent's office?

18 A. Something like the ordering of supplies more than
19 likely would not have been brought to the attention of the
20 superintendent's office. Something like the letters
21 regarding the tardies, those would go.

22 Q. Would it routinely have gone to the
23 superintendent's office?

24 A. Yes.

25 Q. What about a suspension? What about --

1 A. Suspensions always came from the central office.
2 Principals did not have the authority to suspend staff.

3 Q. So they would have come -- authored -- issued by
4 the superintendent?

5 A. Yes.

6 Q. Or his staff?

7 A. Yes.

8 Q. I see. Okay. Now, based upon -- what struck my
9 attention was this, in terms of the framework that I ask the
10 question, there are at least three or four reprimands that
11 were issued in the matter -- of October, span of the month
12 of October. I didn't see that duplicated or replicated
13 throughout her tenure anywhere in terms of the time, you
14 know, the temporal framework given that.

15 And also in terms of the sequence in which it was
16 issued in the time frame that she, as of 1997 had just won
17 two arbitrational awards against the school district. Is
18 there a correlation between these two things?

19 A. There's no correlation between those.

20 Q. You see no correlation whatsoever?

21 A. No.

22 Q. Coming forward to 1988 -- '98 rather, '98-'99
23 school year. Miss deleon requested a medical sabbatical.
24 Were you aware of that?

25 A. Yes.

1 Q. Okay. And how did that come to your attention?
2 MS. HEATH: Just for the record, I think it began
3 in '97.

4 Q. Okay. Well, may I ask you then, did you -- were
5 you aware of her request -- well, first of all, her medical
6 condition. I'm referring to the depression. Were you aware
7 of her medical condition?

8 A. Was not aware of that.

9 Q. As of 1997?

10 A. As of 1997 I was not.

11 Q. Did there come a time after 1997 that you did
12 become aware?

13 A. I believe that came in a statement from a
14 doctor that she was seeing at the time that stated that she
15 was unable to perform her duties in the classroom.

16 Q. Do you recall the time frame of that statement,
17 and the doctor who wrote that statement?

18 A. If I remember correctly, I believe it was
19 Dr. Mercatoris at the time.

20 Q. And the date, do you recall?

21 A. It was sometime after the incident where she had
22 been suspended for the classroom incident that I had
23 overheard regarding the DUI. I believe it came after that
24 which was sometime in October of '97, I believe.

25 Q. '97.

1 A. I believe that's the --

2 Q. How did that come to your attention?

3 A. The which? The letter?

4 Q. The statement, the letter.

5 A. The statement?

6 Q. Uh-huh.

7 A. I don't remember whether that was sent to me in
8 the mail or whether somebody brought it into me. I remember
9 seeing it. Boy, I can't remember if that --

10 Q. But you do remember?

11 A. I do remember seeing it.

12 Q. And you remember that the doctor -- what the
13 doctor said relative to her condition?

14 MS. HEATH: Are you asking if he remembers
15 specifically what was said?

16 Q. Do you remember specifically what the doctor said
17 concerning her condition?

18 MS. HEATH: Because I think if you look at what
19 you had marked as plaintiff's exhibits concerning
20 Mr. Dolecki's deposition, potentially that is what
21 he's referring to in there and the date is on
22 there too. I'm saying if you want to have him
23 review a document. It's in the yellow folder.

24 Q. Oh, yeah. Okay. Okay. Right here, Mr. Deshner.

25 A. No, that's --

1 Q. That's not it?

2 A. No. This is from Edinboro Medical Center.

3 Q. What about this one here? This one here.

4 Dr. Bybel.

5 A. I remember getting a copy of this from

6 Mr. Dolecki's office but -- and I believe that request went
7 directly to the central office for that leave.

8 Q. All right. I see here in the file that's already
9 in record, sick leave bank request all these --

10 A. Right.

11 Q. And then there's a request for sabbatical
12 submitted by Miss deleon to then superintendent Mr. LaScola.

13 A. Uh-huh.

14 Q. But I noticed in each of these letters, at least
15 in some of them, you were cc'd, courtesy copy sent to you?

16 A. Yes. Right.

17 Q. So by that do you acknowledge that, having
18 received these correspondence between Miss deleon and the
19 then superintendent Mr. LaScola?

20 A. Yes, I received copies of those.

21 Q. Okay. And so and then the contents, by virtue of
22 the contents of these documents bearing on Miss deleon's
23 condition, you became aware of her mental condition, didn't
24 you?

25 MS. HEATH: I'm going to object for the record

1 because I think the documents speak for themselves
2 and those documents that you're talking about are
3 the correspondence and don't specifically give any
4 diagnosis. It just requests a sabbatical leave
5 for restoration of health. So it's unclear --

6 Q. Well, let me ask you this, Mr. Deshner. Do you
7 recall having seen a letter from -- there is one here from

8 Dr. Luis Torres who diagnosed Miss deleon for psychotherapy?

9 MS. HEATH: Can you give him the letter and the
10 date.

11 Q. Luis Torres. Yeah, right here. Okay. And
12 Dr. Luis Torres, psychotherapy specialist, dated April 29,
13 1998.

14 A. I have not seen this document before.

15 Q. Never saw that document before?

16 A. No.

17 Q. But you were aware that or I'll ask you, were you
18 aware that Miss deleon requested a sabbatical --

19 A. Yes.

20 Q. -- leave? And while you yourself did not approve
21 it, as the record shows Mr. LaScola approved, you were aware
22 of that, that it was approved.

23 A. Mr. LaScola would have made the recommendation and
24 the school board would -- it would have to go to the school
25 board for approval.

1 Q. Right. Okay. Now, when Miss deLeon returned from
2 the medical sabbatical, and I think that was 1999-2000
3 school year she returned. Now, the first question I have is
4 that when she returned, wasn't her classroom taken away from
5 her? She was not privileged to return to the classroom that
6 she had before leaving?

7 MS. HEATH: Objection to form. Go ahead and
8 answer.

9 A. It wouldn't have been taken away from her because
10 there was no set rule that once a person had a classroom
11 that that was their classroom. That if they went on
12 sabbatical, they came back to that classroom.

13 Q. Whose prerogative or authority had authority to
14 assign the classrooms?

15 A. Assigning of classrooms --

16 Q. Yes, sir.

17 A. -- lies with the administration in the building.

18 Q. And that's you, right?

19 A. One of them.

20 Q. You're the principal?

21 A. I was the principal, correct.

22 Q. And so in terms -- I understand that when she
23 returned from sabbatical she did not have the same
24 classroom. She didn't have a classroom, that she was
25 reduced to a traveling teacher.

1 MS. HEATH: Objection to form.

2 Q. I'm simply asking -- the question I'm asking is
3 this: Who removed her privilege by access to that classroom
4 she had before she went on sabbatical?

5 A. When she went on sabbatical, someone else was
6 assigned to that classroom.

7 Q. And that would have been an official act on your
8 part, right?

9 A. Yes.

10 Q. You would have authorized that?

11 A. It would have been done through the
12 administration, correct.

13 Q. Well, when you say administration, we're talking
14 about you. You are the principal. You are the
15 administration, right? For that purpose.

16 A. And my two assistants.

17 MS. HEATH: Object to form.

18 Q. I'm sorry, sir.

19 MS. HEATH: Wait for him to ask you before you
20 answer his question so I can object.

21 A. And my two assistants when I say administration.

22 Q. Well, when they act, they'll be acting for you.
23 You are aware of what they are doing, they do apprise you,
24 right?

25 A. Yes.

1 Q. Right. Now, also when she returned, she no longer
2 was privileged to teach the courses that she taught before
3 she went on sabbatical. Her Spanish courses that she taught
4 before going on sabbatical were taken away from her and
5 given to someone less experienced, less experienced than
6 she.

7 MS. HEATH: Objection to form.

8 Q. And who did not have tenure, did not have the
9 experience that she had; is that correct?

10 MS. HEATH: Again, objection to form. Do you
11 understand the question?

12 A. I don't understand. I guess I'm --

13 Q. I'm, again, focusing on the time frame as when
14 that would have been the school year 1999-2000 school year,
15 okay?

16 A. Uh-huh.

17 Q. And when she, Miss deLeon, returned from a medical
18 sabbatical the first question I asked you dealt with the
19 assignment of the class she lost, the privilege of having a
20 class, of her class. All right. That's the first question.
21 All right. The second question I'm asking you, same time
22 frame, is that she also lost a privilege to teach Spanish
23 classes upon returning; is that correct?

24 MS. HEATH: I object to form. Go ahead.

25 A. That's not correct.

1 Q. What would be correct, then, Mr. Dasher? What
2 would be the correct answer to that?

3 A. There was -- no one had any guaranteed classes
4 that they taught in any of the departments. Those were
5 assigned on a yearly basis when the master schedule was
6 made. And in the language department, any of the teachers
7 could teach. As long as they were certified in that
8 language, they could teach any level of that language being
9 taught.

10 Q. Okay. Who makes the assignment? The teaching
11 assignment courses?

12 A. The assignments are made by myself and my two
13 assistants when we make the master schedule for the
14 building.

15 Q. Okay.

16 A. And it is always -- and I would meet with the
17 department heads prior to doing that to get input from the
18 department heads. So it was -- I mean, it was a multiple
19 decision.

20 Q. What courses did she teach upon returning from
21 sabbatical; do you remember?

22 A. I couldn't tell you without looking at the
23 schedule for that year.

24 Q. Let me ask you this: As a matter of practice and
25 policy, what factors do you take into account when you make

1 assignments of who will teach what in your school?

2 A. I guess you mean in the language department? It
3 could vary between departments.

4 Q. Okay. Let's take the language department because
5 that's the most pertinent here. Let's take the language
6 department. What factors do you take into account in
7 determining who to assign to teach what?

8 A. First thing we look at is their certification.

9 Q. Okay.

10 A. Secondly, we look at the number of classes that we
11 have at each level of the -- because we offer five years of
12 a language or offered five years of a language and that
13 could vary from year to year. One year you might have five
14 classes of Spanish II and the next year you might have three
15 classes of Spanish II. So you looked at the numbers that
16 you had. You looked at your staff. You looked at plugging
17 into schedules --

18 Q. You looked at the qualifications of the staff?

19 A. We looked at the qualifications of the staff and
20 make assignments.

21 Q. On that basis. Okay. Now, coming forward, 2001
22 school year, 2001, 2000. I think 2000-2001, that school
23 year. Did you assign Miss deLeon an action plan?

24 A. Yes, we did.

25 Q. Tell me, what -- first of all, what is the purpose

1 of an action plan?

2 A. Purpose of an action plan is to help the teacher
3 improve in areas that we have identified that need
4 improvement in the classroom.

5 Q. Okay. And in the case of -- now, is it -- based
6 upon your experience in assigning teachers to an action
7 plan, is it more the case that you assign younger teachers,
8 inexperienced teaching staff, the action plans than more
9 senior teachers?

10 A. Not in my experience.

11 Q. Well --

12 A. There are young teachers that need them; there are
13 experienced teachers that need action plans as well.

14 Q. What in particular, then, prompted you to assign
15 Miss deLeon to an action plan?

16 MS. HEATH: You're talking to 2000 and --

17 MR. NICHOLS: 1.

18 MS. HEATH: 1.

19 MR. NICHOLS: 2001.

20 A. That was done based on the observations that we
21 had done, the discipline referrals, the inability to manage
22 the classroom that we were seeing.

23 Q. Was that your decision alone or in concert with
24 your staff?

25 A. That was in concert with the staff and central

1 office personnel that I reported to.

2 Q. You're referring to Mr. Dolecki?

3 A. Could have been Mr. Dolecki.

4 Q. Mr. Heller?

5 A. Or it could have been Mr. Heller.

6 Q. And is it correct to say then that you did not
7 have authority to institute such a plan absent approval of
8 Mr. Dolecki or Mr. Heller?

9 A. I had the authority to institute a plan but
10 anytime I would institute a plan it would be with their
11 knowledge.

12 Q. Let me be clear here. I am asking you: Did you
13 have unilateral authority that you -- could you act
14 unilaterally and institute an action plan in the case of
15 Miss deLeon without regard to input or approval on the part
16 of Mr. Dolecki or Mr. Heller?

17 A. I'm not -- are you asking me did I have the
18 unilateral authority to put an action plan in place?

19 Q. Yes, sir.

20 A. I believe I had that authority as principal to do
21 that with any staff member in the building. Would I have
22 done it unilaterally?

23 Q. Right.

24 A. No, I would have --

25 Q. What was your practice then? In instituting a

1 plan, to institute an action plan in terms of consultation
2 with the executive officers? I'm referring to Mr. Heller
3 and Mr. Dolecki.

4 A. I would have consulted with them.

5 Q. Unfailingly? Always? You would have
6 unfailingly --

7 A. Yes.

8 Q. -- have done that?

9 A. Yes, I would have.

10 Q. And you would have unfailingly done that because
11 what reason would that have been, by a matter of practice,
12 was it a matter of because of delineation of authority you
13 could act, was something you could act alone or because as a
14 matter of practice that was the proper thing to do?

15 MS. HEATH: Objection to form. You can answer if
16 you understand it.

17 A. I would have done that just because I wanted them
18 to know what was going on with staff in the building.

19 Q. Who devised the action plan?

20 A. The action plan was --

21 MS. HEATH: Are you talking about the 2001?

22 MR. NICHOLS: 2001.

23 MS. HEATH: Do you want to mark it? Do you want
24 to mark the evaluation?

25 MR. NICHOLS: Yes, please, please.

1 (DESHNER PLAINTIFF'S EX. 20 - 2001 EVALUATION,
2 marked for identification.)

3 MR. NICHOLS: If I may continue.

4 Q. First of all, who devised the action plan,

5 Mr. Deshner?

6 MS. HEATH: You can let him look at it.

7 A. Could I see it?

8 Q. Please. Please.

9 A. (Witness reviews document.) The action plan would
10 have been developed by myself, generally an assistant
11 principal that had responsibility for observations and it
12 more than likely would have been Mr. Heller from the central
13 office because he was in charge of personnel matters.

14 Q. And over the span of, let's say, from 1990 up to
15 2003, how many people did you require to perform under the
16 action plan?

17 A. What were the dates again?

18 MS. HEATH: An action plan?

19 Q. Inclusive. 1990 up to and including 2002-3 school
20 year. Do you remember how many?

21 A. That's what I am trying to think. To the best of
22 my recollection, it would have been two or three people.

23 Q. All right. And of those two or three, how many
24 were inexperienced? I mean, what were their experience
25 level?

1 A. Two were experienced.

2 Q. How much experience are we talking about in terms
3 of years teaching? You said two, right?

4 A. Yes.

5 Q. Two of the three. And that's inclusive of
6 Miss deLeon?

7 A. That includes Mrs. deLeon, yes.

8 Q. And would that other person's experience also have
9 been a tenured teacher?

10 A. Yes.

11 Q. A tenured as well as Miss deLeon?

12 A. Uh-huh.

13 Q. Correct?

14 A. Correct.

15 Q. And the other person was less experienced then,
16 right?

17 A. But I believe tenured.

18 Q. All three were tenured?

19 A. Uh-huh.

20 MS. HEATH: Say yes or no.

21 A. Yes.

22 Q. Did they have -- of those two other two people,
23 did they have less experience than Miss deLeon in terms of
24 years teaching?

25 A. One would have had more, one would have had less.

1 Q. Okay. You and your staff --
2 MS. HEATH: Wait a second.

3 Q. You and your staff would devise the action plan.
4 Do you have expertise in the area, your background, to
5 devise such plans?

6 A. Yes, I do.

7 Q. Was Miss deLeon evaluated on the basis of the
8 action plan?

9 MS. HEATH: You mean the next year?

10 MR. NICHOLS: Well, I'm coming to that. There was
11 a second plan and then there was a revised plan.
12 I haven't reach that yet. I'm talking just the
13 first plan in the year 2001.

14 Q. Was she evaluated on the basis of this?

15 A. Classroom observations would have been made on the
16 basis of the plan and that would also have played into the
17 year-end evaluation.

18 Q. And also played into her termination, didn't it?

19 A. In the next school year?

20 Q. No, no, 2003. I do believe I read the letter
21 where Mr. Dolecki recommended her firing, termination. He
22 referred to this. He referred to the action plan. So my
23 question is this: Did the action plan -- well, she was --
24 you said she was evaluated on it. I'm asking you, didn't it
25 play also a role, taking into account the recommendation

1 made by Mr. Dolecki and maybe the others in terms of whether
2 or not she should be terminated?

3 MS. HEATH: Objection. The question is very
4 misleading and confusing. Because I think you're
5 mistaking -- that action plan was attached to a
6 satisfactory evaluation from the 2000-2001 school
7 year. So, therefore, she was acting pursuant to
8 that action plan for 2001-2002 and then had
9 another action plan which was then revised and
10 then subsequently her termination occurred in
11 2003.

12 Q. All right. Let's deal with that then, what your
13 counselor has talked about. That is the revised plan.

14 Okay?

15 A. In 2002-2003?

16 Q. Right. Why did you revise the plan?

17 MS. HEATH: Well, there was the plan, then it was
18 also then revised.

19 A. Well, we would look at the plans and if they
20 needed revision along the way we would make revisions.

21 Q. Why was that necessary in Miss deLeon's case?

22 A. I believe at one point Mrs. deLeon made the
23 statements to me that that action plan was doing nothing for
24 her. It was of no consequence and only through her hard
25 work was she able to improve and our action plan had nothing

1 at all to do with that. With making statements like that,
2 we would go back and look at that action plan to see why it
3 wasn't helping her.

4 Q. Well, that's the question I want to ask you. You
5 devised a plan, you say, in cooperation with your staff.
6 How do we know this plan was valid? What did you do to
7 validate the plan?

8 MS. HEATH: Objection.

9 Q. You didn't test -- what did it seek to test and do
10 we -- can we -- and I know I'm asking a lot of questions. I
11 am going back. But I am concerned about was this test
12 validated. Did it test what it was supposed to test?

13 MS. HEATH: Objection to form. I don't know what
14 you're asking. All right. Can you just repeat
15 what you're asking.

16 MR. NICHOLS: Well, I am talking about this plan
17 and I'm describing in terms of --

18 MS. HEATH: The 2002-2003 plan?

19 MR. NICHOLS: Right.

20 Q. It was revised and you just testified -- I don't
21 know whether you revised it at the -- as a result of the
22 comments that you say Miss deLeon made to you.

23 A. Uh-huh.

24 Q. All right. Why did you revise -- and I'm asking
25 you is how do you -- what steps did you take to validate

1 this test, this plan? To validate it.

2 MS. HEATH: Object to the form. Go ahead.

3 A. Number one, it's not a test.

4 Q. Well, whatever it is, purports to be. You know,
5 whatever it purports to be, how do we even know it's valid.

6 MS. HEATH: Object to form.

7 Q. That's what I'm saying. You made it. I have a
8 right to ask you as to was it valid. Do you understand what
9 I'm saying?

10 A. I don't understand what you're saying. I' kind
11 of --

12 Q. You just referred to what my client told you. It
13 was not helpful to her, right?

14 A. Uh-huh.

15 Q. You made that statement?

16 A. Yes, I did.

17 Q. Right. And I'm asking you now, having made that
18 statement, as whether the test was purported to be -- well,
19 maybe you say it's not a test but whatever it purported to
20 be, a measurement, how do we know it was valid?

21 MS. HEATH: Again, objection to form. You may
22 answer. I don't know what you mean by valid.

23 A. We sat down and looked at the areas that there
24 needed to be improvement in the classroom. We put together
25 a form that helped address those issues. That was discussed

1 with Mrs. deleon. It was discussed with members of the
2 bargaining unit present. Everyone agreed that this was a
3 valid, workable plan to be implemented to seek the
4 improvements that we were trying to seek. Now, and I'm lost
5 on what other kind of validation we were looking for.

6 Q. Well, when I use the term validation, I'm using it
7 in the sense -- I think most academics use it in the sense
8 that is there a correlation between, for example, you test
9 her for competency in a classroom, then does whatever you
10 put forward to gauge or measure the competency, is there
11 some correlation between testing that on the one hand and
12 the performance on the part of the teacher in the classroom?
13 The correlation. That's what I'm simply saying when I say
14 validate.

15 MS. HEATH: If you don't understand.

16 A. I don't understand. I'm kind of lost. I'm sorry.

17 Q. Well, let me ask you this: Is this the first time
18 this type of action plan was administered to someone in your
19 teaching staff in your school, 2001, was that the first
20 time?

21 A. One this extensive, yes.

22 MS. HEATH: 2001, he's talking.

23 A. Oh, wait. I'm sorry.

24 MS. HEATH: See, we have three action plans, so
25 which one --

1 MR. NICHOLS: Right. 2001, the first time.

2 MS. HEATH: Right.

3 MR. NICHOLS: And then we have the revisions.
4 Right?

5 MS. HEATH: Well, I don't recall the next one a
6 revision, but.

7 MR. NICHOLS: Well, if you revise it, I mean, what
8 do we call the second one?

9 BY MR. NICHOLS:

10 Q. What do we call the second one? Is that a
11 revision of the first? Was that a revision?

12 A. I just called them action plans.

13 Q. Action plans. But there's a distinction, though,
14 right? Are they distinguishable?

15 A. I believe they're distinguishable when you --

16 Q. And what I am just asking is these two now: We
17 are talking about the first one. And I'm not going to
18 belabor the first one. Let's move to the second one. I'm
19 asking you if they're distinguishable; how is the second one
20 distinguishable from the first?

21 MS. HEATH: Do you want to look at the first
22 again?

23 A. I would have to sit down and completely review
24 these to --

25 Q. Uh-huh. And that would be true for even the

1 revision of the second one, right? And there was another
2 revision I understand?

3 A. Uh-huh.

4 MS. HEATH: Mr. Nichols, I have copies if you want
5 to mark them. I have copies 2002-2003 plan.

6 MR. NICHOLS: Okay.

7 MS. HEATH: And the revision to the 2002 plan.
8 All right. I ask the court reporter to mark them,
9 if you would please.

10 (DESHNER PLAINTIFF'S EX. 21 AND 22 - ACTION PLANS,
11 marked for identification.)

12 Q. Before I leave this area, that is; these action
13 plans and going back to how you're formulating this plan or
14 devised it. Did you consult authorities in the field
15 concerning how these action plans should be devised? Did
16 you consult with colleagues outside of the school or was it
17 just a product of you and your staff?

18 A. It was a product of the staff knowing the good
19 practices that needed to be in place and what needed to be
20 going on in a classroom.

21 Q. Now, coming forward, also in 2000, 2002 school
22 year, see if I can get the evaluations.

23 MS. HEATH: Year 2000?

24 MR. NICHOLS: Huh?

25 MS. HEATH: Which year are you talking about?

1 MR. NICHOLS: 2001 and 2 school year.

2 Q. She, Miss deLeon, was evaluated not at the
3 conclusion of the semester, which would be June, I
4 understand, but in March 2002. And she was given an
5 evaluation. I'm trying to find that evaluation. And my
6 question is: Why was she prematurely evaluated? Matter of
7 fact, it was a negative evaluation she got.

8 A. That's correct.

9 Q. Why was she evaluated out of sequence in March
10 rather than in June?

11 A. I believe it was because to the problems that we
12 were seeing and the improvement that was not occurring.

13 Q. Now, she had been suspended on the 18th, a letter
14 written by Mr. Dolecki, served on her by Mr. Heller. Were
15 you present in that occasion?

16 A. I was.

17 Q. And Miss deLeon? So on that way I ask who was in
18 attendance at that meeting on March 18th when Mr. Heller
19 delivered a letter to my client, Miss deLeon, stating that
20 she was suspended. And the reason she was suspended for
21 because of the medical excuses that he had received from the
22 doctor with whom Miss deLeon was treating at the time.

23 MS. HEATH: Objection to the form. What was your
24 question?

25 MR. NICHOLS: Who was in attendance at that

1 meeting.

2 MS. HEATH: Okay.

3 Q. You said you were present, Mr. Deshner. Who else
4 was present?

5 MS. HEATH: At the time when the evaluation was
6 reviewed or at the time --

7 MR. NICHOLS: No, no, we are now at this letter.

8 A. This letter.

9 Q. Yeah. And the letter of which Mr. Dolecki wrote,
10 March 18, 2002, delivered to Miss deleon by Mr. Heller. You
11 were present, Miss deleon was present, Mr. Heller, of
12 course, right?

13 A. I don't remember who all was present.

14 Q. But you were present, right?

15 A. I believe I was because I was present for a lot of
16 the --

17 Q. Do you recall that Mr. Heller asked Miss deleon
18 for her resignation on that occasion?

19 MS. HEATH: Objection to form. You may answer.

20 A. I do believe there was some mention made of that.

21 Q. Can you be more specific, Mr. Deshner?

22 A. If there was reference to it, I didn't make it. I
23 couldn't tell you now the exact words that were used.

24 Q. But you do recall Mr. Heller made --

25 A. Yes.

1 Q. -- a statement to Miss deLeon relative to that
2 subject matter?

3 A. Yes.

4 Q. And was the statement initiated by Mr. Heller or
5 was it initiated by him or did Miss deLeon volunteer to
6 submit a resignation?

7 A. She did not volunteer, that came from Mr. Heller.

8 Q. That came from Mr. Heller. Now, did Mr. Heller
9 say on that occasion that he was authorized to make such an
10 offer or a request, I should say, request, of Miss deLeon?

11 MS. HEATH: Objection.

12 Q. By Mr. Dolecki?

13 MS. HEATH: Objection to form.

14 A. I don't remember. Like I said, I don't remember
15 his exact words that he used. I don't know if that was a
16 part of it or not. I just don't remember.

17 Q. Do you know of other occasions in which the
18 administration asked for the resignation of a teacher?

19 MS. HEATH: Again, I'm going to object to form. I
20 think there was testimony that it wasn't
21 necessarily asked for, not by Mr. Dolecki. That
22 it was discussed as an option but that's not
23 asking for it.

24 MR. NICHOLS: Yeah, well, let's --

25 MS. HEATH: Or directing someone to resign.

1 Q. All right. Well, then let's say, I'm asking you,
2 have you ever been privy to any prior -- any situation in
3 which the administration had discussed or requested or
4 discussed options along this line with a teacher?

5 A. When you say was I privy to, you mean was I
6 present?

7 Q. Yes, present, on any other occasion.

8 A. I cannot recall of any.

9 Q. You can't point to any other occasion where that
10 occurred?

11 MS. HEATH: In his presence?

12 A. Where I was present?

13 Q. Right.

14 A. There were -- I had 100 and some teachers --

15 Q. Right.

16 A. -- in the district under my --

17 Q. Right.

18 A. -- supervision. There were just teachers all over
19 the district.

20 Q. I understand.

21 A. Yeah. And I wouldn't know, I wouldn't even have
22 an idea what went on in other buildings with staff.

23 Q. No, but I'm only talking about what would have
24 been under your supervision in a given time, right? I'm
25 saying that any kind of conversation involving the

1 resignation or asking for a buyout, whatever you want to
2 call it on the part of a teacher by the administration. You
3 would have been involved in it if it involved your teacher,
4 right?

5 A. If it was --

6 Q. You would you have been involved in it, wouldn't
7 you?

8 MS. HEATH: I'm just going to object to form
9 again. I'm not sure if you're talking about
10 buyout, if you're talking about retirement which
11 is something the principal wouldn't necessarily be
12 involved in anyway, but go ahead.

13 Q. You may answer.

14 A. Do I know of any others?

15 Q. Right.

16 A. No.

17 Q. Uh-huh. And how long have you been with the
18 Crawford Central School District, the system? How long have
19 you been?

20 A. As an administrator?

21 Q. Administrator.

22 A. I was an administrator for 23 years. For 4 years
23 as an assistant principal and 19 years as a principal.

24 Q. Okay. This would have been unusual then, wouldn't
25 it?

1 A. I don't know that I would use the term unusual.
2 Q. How would you describe it? Unprecedented?

3 A. From my knowledge, from my dealings, I do not know
4 of any others but I wouldn't use the term, again, unusual.

5 Q. Uh-huh. All right. Now, again, this letter of
6 March 18, 2002, which was written by Mr. Dolecki. Okay.

7 And then in that time frame Miss Deleon received a negative
8 evaluation to which we just referred. You acknowledge that?

9 A. Uh-huh.

10 Q. All right. Now, she was on leave when that
11 evaluation was done, wasn't it? She was on leave, wasn't
12 she? She had been suspended so she was not there teaching.
13 She was -- having been suspended, right? Isn't that
14 correct?

15 MS. HEATH: Is there any particular letter you're
16 referring to? I am not sure that's the case.

17 Q. The reason I ask is this, because at the bottom of
18 her evaluations you would note there's a notation that's
19 incomplete.

20 MS. HEATH: She was off work because of her
21 doctor.

22 MR. NICHOLS: No, you're looking at the wrong one.
23 Look at the one, he has evaluation. There's a
24 notation at the bottom that says that it's
25 incomplete because they had to wait her return in

1 May.

2 MS. HEATH: Look here. Her doctor in that time
3 frame -- there's a letter from her doctor dated
4 March 12, 2002 saying that she should take off
5 work from 3/13 to 3/17, 2002.

6 MR. NICHOLS: Right, right. Now, put that in
7 sequence.

8 MS. HEATH: It is in sequence.

9 MR. NICHOLS: The sequence I'm saying, that's what
10 prompted Mr. Dolecki to write the letter of March
11 18. His having received the letter from
12 Dr. Mercatoris which you just referred. He then
13 writes the letter of suspending her.

14 Q. And then what I'm asking is: This document here,
15 which is her evaluation, is negative but it's in the same
16 time frame. And also what troubles me, what I'm asking you
17 is --

18 MS. HEATH: Can you please just ask the question?

19 Q. Yeah, my question is this: At the bottom of that
20 notation that says incomplete and why the administration did
21 not wait until she returned to complete it. Why did they do
22 this negative evaluation in her absence?

23 A. It wasn't done in her absence.

24 Q. How do you explain the notation at the bottom?
25 How do you explain that?

1 A. You're talking this notation due to Mrs. deLeon's
2 leave?

3 Q. Right, right.

4 A. This -- she was off, as this letter says, from
5 3/13 to 3/17. When you -- following an observation or when
6 you want to do this, you have a certain number of days that
7 it needs to be completed in. Because of her being off, it
8 couldn't be completed in those number of -- that number of
9 days as referred to in the contract. That's why the
10 notation is made at bottom here that due -- and the rest of
11 it is it cut off here. I just --

12 Q. No, the rest of it speaks to May. And this is why
13 I'm asking you: Why didn't it wait until May to correct.
14 Her absence was not due to her choice. It was due because
15 Mr. Dolecki had suspended her. It had nothing to do with
16 her having a choice of being absent. It was because
17 administration had suspended her.

18 MS. HEATH: Do you have a question?

19 Q. No, that's what I am saying. Why did you issue
20 the negative evaluation in her absence?

21 A. It wasn't issued in her absence. That's what I --
22 I'm not following.

23 Q. Well, it was incomplete. That what's I'm saying.
24 Because the notation -- what does that notation mean at the
25 bottom? What could they mean otherwise?

1 A. The rest of that is cut off so I don't know
2 what's -- what's underneath that. I --

3 MS. HEATH: It would be helpful when you were
4 asking these questions if you could at least
5 provide the witness the documents you're referring
6 to.

7 MR. NICHOLS: Well, we have a document. It's does
8 not show the complete. But there was a document
9 this morning that showed the full text. Well,
10 anyway, I'm not going to belabor the point. Let's
11 take a five-minute break, okay? Come back and I'm
12 going to wrap it up, okay?

13 (Brief recess.)

14 MR. NICHOLS: Back on the record. It's now 3:05
15 p.m., the day being March 7, 2006.

16 Q. Mr. Deshner, I want to continue with you, if I
17 may, a few more questions.

18 A. Uh-huh.

19 Q. Now, we're up to Miss deLeon returns to work per
20 order of Dr. McFadden. It says she is able to return to
21 work. Now, that time frame I'm focusing on when she returns
22 to work on that occasion, that was May 2002, what did you
23 do, if anything, to facilitate her return to work?

24 MS. HEATH: Objection to form. What do you mean
25 by facilitate?